

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE
PORTLAND
RECEIVED & FILED

UNITED STATES OF AMERICA, (9 MAR - 1 P) 4:02 Criminal No. 2:18-cr-00122-JDL

v. _____ DEPUTY CLERK 18 U.S.C. § 2
MAURICE DIGGINS, and) 18 U.S.C. § 249(a)(1)
DUSTY LEO,) 18 U.S.C. § 371
Defendants.)

)

SUPERSEDING INDICTMENT

THE GRAND JURY CHARGES THAT:

COUNT 1
(18 U.S.C. § 371 – Conspiracy to Commit Hate Crimes)

1. On or about April 15, 2018, in the State and District of Maine, the defendants,

**MAURICE DIGGINS, and
DUSTY LEO,**

knowingly and willfully combined, conspired, and agreed with each other to commit an offense against the United States. Specifically, the defendants agreed to commit violations of Title 18, United States Code, Section 249, as alleged in Count 2 and Count 3, by willfully causing bodily injury to A.N. and D.M. because of their actual and perceived race and color.

OVERT ACTS

2. In furtherance of the conspiracy, and to achieve its objectives, the defendants committed the following overt acts, among others, on or about April 15, 2018, in the District of Maine:

The Assault of A.N. in Portland

a. DIGGINS and LEO approached A.N. and two other black men as they stood on the sidewalk near the exit of a bar in the Old Port area of Portland; without any provocation, DIGGINS and LEO struck A.N. forcefully in the head, breaking his jaw.

- b. DIGGINS and LEO then struck the other black men standing near A.N.
- c. DIGGINS and LEO followed A.N. when A.N. attempted to flee the scene after being struck.
- d. During the encounter, DIGGINS and LEO called the black men “niggers.”

The Assault of D.M. in Biddeford

- e. LEO sat in the passenger seat as DIGGINS drove a truck at a high rate of speed into the parking lot of the 7-Eleven; as the truck drove into the 7-Eleven parking lot, DIGGINS shouted at D.M., who was walking toward the store entrance, “Who you eyeballing, Nigger?”
- f. DIGGINS stopped the truck, got out of the truck, and approached D.M., while repeating the comment: “Who you eyeballing, Nigger?”
- g. After exiting the truck, DIGGINS circled D.M., placing himself between D.M. and the front door of the 7-Eleven, blocking D.M.’s access to the store and causing D.M. to turn his back to the truck. LEO then got out of the passenger seat, walked up behind D.M., and struck D.M. forcefully in the head, breaking his jaw.
- h. As D.M. staggered backwards, DIGGINS approached D.M., causing D.M. to fall to the ground.
- i. As D.M. got to his feet and began running away, LEO followed him on foot across the parking lot of the 7-Eleven, and the defendants shouted words to the effect of, “Go on, run, Nigger.”
- j. After D.M. exited the parking lot, DIGGINS got into the driver’s seat of the truck, LEO got into the passenger seat, and the two men drove out of the parking lot after D.M.
- k. As DIGGINS and LEO chased D.M. in the truck, DIGGINS shouted words to the effect of, “Where you at, Nigger?”

All in violation of Title 18, United States Code, Section 371.

COUNT 2
(18 U.S.C. § 249(a)(1) – Hate Crime)

3. On or about April 15, 2018, in the State and District of Maine, the defendants,

**MAURICE DIGGINS, and
DUSTY LEO,**

each aiding and abetting the other, did willfully cause bodily injury to A.N. because of A.N.'s actual and perceived race and color.

All in violation of Title 18, United States Code, Sections 249(a)(1) and 2.

COUNT 3
(18 U.S.C. § 249(a)(1) – Hate Crime)

4. On or about April 15, 2018, in the State and District of Maine, the defendants,

**MAURICE DIGGINS, and
DUSTY LEO,**

each aiding and abetting the other, did willfully cause bodily injury to D.M. because of D.M.'s actual and perceived race and color.

All in violation of Title 18, United States Code, Sections 249(a)(1) and 2.

A TRUE BILL.

Signature on file in the Clerk's Office

/s/ FOREPERSON OF THE GRAND JURY

Presented by:

HALSEY B. FRANK
UNITED STATES ATTORNEY

Sheila W. Sawyer
SHEILA SAWYER
ASSISTANT UNITED STATES ATTORNEY

JR C
TIMOTHY VISSER
TRIAL ATTORNEY
U.S. Department of Justice, Civil Rights Division